

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application Serial No.: 76/683,027
Mark: THE GRIP MASTER
Filed: October 17, 2007

THE GRIP MASTER CO. Pty. Ltd.	}	
	}	
Opposer,	}	
	}	
v.	}	Opposition No. 91183674
	}	
THE GRIP MASTER USA, INC.	}	
	}	
Applicant.	}	

**APPLICANT'S RESPONSE TO OPPOSER'S
REQUEST FOR SUSPENSION**

Applicant, The Grip Master USA, Inc. ("Applicant"), hereby opposes Opposer's Request for Suspension and requests that the Trademark Trial and Appeal Board deny Opposer's Request for Suspension of this proceeding.

In support of this request, attached is Applicant's memorandum relating the basis of its opposition to Opposer's request.



10-23-2008

U.S. Patent & TMO/TM Mail Rpt Ct #34

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**MEMORANDUM IN SUPPORT OF APPLICANT'S RESPONSE
TO OPPOSER'S REQUEST FOR SUSPENSION**

In its Request For Suspension filed on October 9, 2008, Opposer, The Grip Master Co. Pty. Ltd. ("Opposer"), requested suspension of the present Opposition proceeding pending resolution of Civil Action No. 4:07-CV-04116, in the U.S. District Court for the Southern District of Texas, which was filed on December 6, 2007.

Applicant opposes this request for several reasons.

The Trademark Trial & Appeal Board ("TTAB") has the power to determine and decide the respective rights Applicant and Opposer have to registration of a trademark. 15 U.S.C. §1051 *et seq.*, 15 U.S.C. §1067. The right to register a trademark on the Principal Register arises from first use of the trademark in commerce. 15 U.S. C. §1051. The TTAB is empowered to determine priority of use of a trademark in interstate

commerce.

On October 7, 2007, Applicant filed the present application, Serial No. 76/683,027, for The Grip Master mark. Several years previously, on November 14, 2003, Applicant had filed Serial No. 76/560,031, for The Grip Master mark in special form. Applicant failed to respond to an office action and the application went abandoned.

Although Opposer claims to have used the mark, The Grip Master, in commerce in 1999, it did not file an application to register the mark until April 11, 2008, after Applicant's mark was published on April 1, 2008. Opposer's inaction certainly shows a lack of diligence in asserting its recently-filed application claiming priority in use of the mark.

Finally, in the present opposition proceeding, the discovery period opened on July 1, 2008. Opposer has failed to initiate any discovery requests. Instead, with the deadline for discovery fast approaching (December 28, 2008), Opposer is now attempting to have the proceeding suspended.

Wherefore, Applicant requests that the TTAB deny Opposer's Request for Suspension of this proceeding, and order the Opposition to proceed.

Date: October 21, 2008

Respectfully Submitted,

By: _____

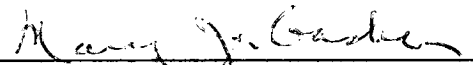
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Attorney for Applicant,
The Grip Master USA, Inc.

I hereby certify that Applicant's Response to Opposer's Request For Suspension is being deposited with the U.S. Postal Service as First Class Mail, postage prepaid, in an envelope addressed to:

United States Patent & Trademark Office
Trademark Trial & Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

on October 21, 2008.



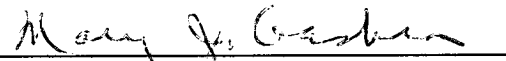
Mary J. Gaskin

CERTIFICATE OF SERVICE

Mary J. Gaskin, attorney for Applicant, hereby certifies that a copy of the foregoing Applicant's Response to Opposer's Request For Suspension was sent to:

Mark G. Chretien
Anthony F. Matheny
Ben D. Tobor
Greenberg Traurig LLP
1000 Louisiana St., Suite 1800
Houston, TX 77002

via U.S. First Class Mail, postage prepaid, this 21 day of October, 2008.



Mary J. Gaskin